

Oral Argument Not Yet Scheduled**Nos. 16-5070, 16-5091**

**In the United States Court of Appeals
for the District of Columbia Circuit**

CAROLINE HERRON,**Appellant / Cross-Appellee,****v.****FANNIE MAE, *et al.*,****Appellees / Cross-Appellants.**

On Appeal from the United States District Court
for the District of Columbia (No. 1:10-CV-00943)
The Honorable Rosemary M. Collyer

Consent Motion to Extend Briefing Length

Appellant / Cross-Appellee Caroline Herron, through undersigned counsel, and pursuant to Rule 27, Fed. R. App. P., and Circuit Rule 28(e), respectfully seeks leave to extend the briefing length for her briefs in order to address the additional briefing sought by the Federal Housing Finance Agency (“FHFA”).

1. The FHFA sought leave to file a separate brief of up to 6,000 words, limited to the state action issue. *See* FHFA Mot., at 2-3 (Sept. 2, 2016). Ms. Herron consented to that relief, provided that the FHFA and the Fannie Mae

Appellees / Cross-Appellants would consent to a comparable extension of words for Ms. Herron's briefs. Counsel for both the FHFA and Fannie Mae agreed to this extension. *See* FHFA Mot., at 2 (Sept. 2, 2016).

2. This means that of Ms. Herron's four claims, the FHFA will be submitting a brief of up to 6,000 words on the First Amendment claim (the state action issue). The Fannie Mae Appellees / Cross-Appellants will be submitting a brief of up to 16,500 words, and a reply brief of up to 7,000 words, on Ms. Herron's remaining common-law claims and their cross-appeal. *Id.* at 4. This results in a briefing total of up to 29,500 words by Fannie Mae and the FHFA. Under the Rules, Ms. Herron has a limit of 14,000 words on her opening brief and 14,000 words on her reply and cross-appellee's brief (the latter of which will also address Fannie Mae's cross-appeal), for a briefing total that is less than the combined briefing of the FHFA and Fannie Mae.

3. Ms. Herron thus seeks leave for a proportionate increase in the word limits, as agreed to by the FHFA and Fannie Mae. Therefore, she respectfully requests an enlargement of the briefing length by 3,000 words for each of the Appellant's Brief and the Appellant's Reply and Cross-Appellee's Brief.

Respectfully submitted,

/s/ Lynne Bernabei

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DATED: September 6, 2016

CERTIFICATE OF SERVICE

I certify that on this date, September 6, 2016, the foregoing was served via the Court's CM/ECF system. Counsel for all parties are registered CM/ECF users and will be served by the appellate CM/ECF system.

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